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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,853	03/10/2004	Marc William Hansen		3726

7590 04/04/2008  
Marc William Hansen  
3231 Erlands Point Rd, N.W.  
Bremerton, WA 98312

EXAMINER
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LASHLEY, LAUREL L

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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04/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/797,853	<b>Applicant(s)</b> HANSEN, MARC WILLIAM	
	<b>Examiner</b> LAUREL LASHLEY	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claim 1 is pending and has been examined.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informality:

i. Improper claim structure: preamble contains unnecessary period (see between closing parenthesis and "comprising") and unnecessary usage of capital letters within claim. ii. Applicant is respectfully requested to remove the references in parenthesis and quotations (i.e. (also known as "token" or "signature"), (a "virtual signature") and "virtual signature")

iii. Applicant is respectfully requested to make a distinction between "at least one computer on the network" and "a unique network address" as it relates to an authentication server and a name server.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman in US PGPub No. 2003/0233557 (hereinafter Zimmerman) and further in view of Tabuki in US Patent No. 5987232 (hereinafter Tabuki).

4. As for claim 1, Zimmerman discloses

A process for verifying the identity of an individual over a computer network, which maintains the privacy and anonymity of the individual's identity characteristic

Art Unit: 2132

(also known as "token" or "signature"). comprising the steps of (see Abstract, lines 1-2: computer system with tokenless identification and verification...):

At least one computer on the network with a unique network address (see Figure 1)

At least one (another) computer on the network with a unique network address (see Figure 1)

Individuals enroll when an exemplar signature is captured and sent to {at least one computer on the network} (see Abstract, lines 2-6: enrollment process for person; see [0026], lines 3-12: previously collected signature stored...);

{at least one computer on the network/Authentication server} stores exemplar signature and assigns it a unique network address (see [0026]: store previously collected signature...; [0027], lines 6-10, [0028], lines 10-11: indexed to identification number);

{at least one computer on the network/Authentication server} compares exemplar signature to sample signature (see [0026]: captured signature compared with previously collected signature);

and

{at least one computer on the network/Authentication server} returns result of comparison to sender (see [0026]: individual is verified as same person with stored signature...) *but does not expressly disclose*

At least one computer on the network acts as an authentication server

At least one computer on the network acts as a name server,

Authentication server sends unique network address (a "virtual signature") to enrolling individual;

Identity of enrolled individual authenticated when sample signature sent to address of "virtual signature";

Art Unit: 2132

Name Server insures that Authentication Server is registered and has authority to receive and process authentication request.

Tabuki however cures the deficiencies of Zimmerman. Tabuki discloses:

At least one computer on the network acts as an authentication server (see Figure 1B, verification server)

At least one computer on the network acts as a name server, (see Figure 1B, application server; column 6, lines 50-57)

Authentication server sends unique network address (a "virtual signature") to enrolling individual; (see column 8, lines 43-53: identification data equivalent to network address)

Identity of enrolled individual authenticated when sample signature sent to address of "virtual signature"; (see column 2, lines 50-65: identification data used to authenticate request)

Name Server insures that Authentication Server is registered and has authority to receive and process authentication request; (see column 4, lines 62-66: application server; column 6, lines 50-57: application server has relational database with information that corresponds to the relational database in the verification server)

Authentication server compares exemplar signature...(see column 2, lines 38-40: verification means compares the authentication data...)

Authentication server returns result of comparison...(see column 2, lines 41-42: sending means to send verification result)

Zimmerman and Tabuki are analogous art because they are from the same field of endeavor (verification and authentication of a user). At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the method of tokenless identification, verification and authorization of an individual of Zimmerman such that it would include the network components (authentication and name servers) as in Tabuki. The

Art Unit: 2132

motivation for doing so would have been to perform user authentication more easily, efficiently and independently of user intervention (see Tabuki, column 2, lines 25-30).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Messing in US Patent No. 6745327 discloses an electronic certificate signature program.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAUREL LASHLEY whose telephone number is (571)272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley  
Examiner  
Art Unit 2132

/L. L./  
03/26/08

Application/Control Number: 10/797,853

Page 6

Art Unit: 2132

/Benjamin E Lanier/

Primary Examiner, Art Unit 2132